## REMARKS

Claims 1, 2, 4-13 and 15-20 are currently pending in this application, with Claims 1 and 11 as the independent claims. As indicated above, Claim 3 has been cancelled without prejudice.

In the Office Action, the Examiner rejected Claims 1 and 3 under 35 U.S.C. §103(a) as being unpatentable over *Beckert et al.* (U.S. Patent No. 6,862,651) in view of *Brown, III et al.* (U.S. Pat. No. 6,038,636), Claim 2 under 35 U.S.C. §103(a) as being unpatentable over *Beckert* in view of *Brown*, and further in view of *Costello* (U.S. Patent No. 6,794,894), Claim 4 under 35 U.S.C. §103(a) as being unpatentable over *Beckert* in view of *Brown*, and further in view of *Christopherson et al.* (U.S. Patent No. 5,475,693), Claim 5 under 35 U.S.C. §103(a) as being unpatentable over *Beckert* in view of *Brown*, and further in view of *Niiyama et al.* (U.S. Patent No. 5,400, 389), Claim 11 under 35 U.S.C. §103(a) as being unpatentable over *Costello* in view of *Christopherson*, and Claims 13 and 15 under 35 U.S.C. §103(a) as being unpatentable over *Costello* in view of *Christopherson* and further in view of *Niiyama*. Additionally, the Examiner alleges that Claim 3 is a substantial duplicate of Claim 1.

It is gratefully acknowledged that the Examiner maintained the objection to Claims 6-10 as being dependent upon a rejected base claim, but being allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Reconsideration of the instant application is respectfully requested.

Regarding the Examiner's allegation that Claim 3 is a substantial duplicate of Claim 1, as indicated above, Claim 3 has been cancelled without prejudice. Accordingly, it is respectfully submitted that any issue regarding Claim 3 is moot.

Regarding the rejection of independent Claim 1, the Examiner states that *Beckert* in view of *Brown* renders the claim obvious. *Beckert* discloses an automotive computing device that includes a

FLASH memory (402) for storing data, a first DRAM (404), a second SRAM and an interface (414) over which data is copied from a FLASH memory. (See Fig. 4). *Brown* discloses a method and apparatus for reclaiming and defragmenting a flash memory device; *Costello* discloses wireless software and configuration parameter modification for mobile electronic devices; and, *Niiyama* discloses a system for rewriting information in a rewritable memory provided in a portable remote terminal, and a portable remote terminal applicable to the system.

As was previously presented, Claim 1 recites storing in a first RAM and a second RAM, different data, i.e., each copied program data and each data generated when executing a program whereas *Beckert* teaches copying a page to a DRAM or SRAM if the page resides in flash memory. (See col. 23, lines 31-24).

More specifically, the present invention teaches storing in the second RAM, temporary data generated while executing program data stored in the flash memory. In contrast, *Beckert* merely discloses storing in the SRAM, critical data to be preserved in the event of power loss. *Beckert* neither teaches nor reasonably suggests the claimed feature of the present invention.

In response to Applicant's previous arguments, the Examiner asserts that Claim 1 of the present invention "does not recite that the second RAM stores the temporary data generated while executing program data stored in the flash memory." However, as underlined in Claim 1 below, Claim 1 explicitly discloses the feature that the flash memory stores program data and the second RAM stores data generated during the execution of program data. Accordingly, it is respectfully requested that the Examiner reconsider Claim 1.

1. (Previously Presented) A memory device for a mobile phone comprising:

**a flash memory for storing program data** and user data;

an interface circuit for copying program data stored in the flash memory according to whether data stored in the flash memory is valid;

a first Random Access Memory (RAM) for providing an operation area to store and execute the copied program data; and

**a second RAM for storing data generated during the execution of program data,** wherein the first and second RAMs are independent memories.

First, an artisan of ordinary skill in the art knows that RAM is used to store temporary data due to the fact that a RAM does not retain data when power is turned off. Therefore, the claim does not have to explicitly recite that. Second, as listed above, the claim recites a second RAM for storing data generated during the execution of program data wherein program data reside in flash memory (recited in the first element of the claim). Therefore, the claim does recite a second RAM stores temporary data generated while executing program data stored in a flash memory as opposed to the Examiner's assertion. Based on the foregoing, the Examiner is incorrect in his assertion. Withdrawal of the rejection will be requested.

The Examiner then states "Moreover, although the second RAM stores data generated during the execution of program data, the claim does not recite that the generated data and the executed data are connected in any way." (See page 8 of the Office Action). Beckert teaches storing critical data whereas Claim 1 recites storing data generated during the execution of program data. Whatever data is generated during the execution of program data is stored in a second RAM in Claim 1, whereas in *Beckert* the data has to be critical data to be stored in SRAM as opposed to a second RAM. On that basis, Claim 1 is further distinguished from *Beckert*. Furthermore, it appears that the Examiner is using the claims as a framework from which to choose among individual references to recreate the claimed invention.

Applicant submits that it is impermissible to use the claims as a framework from which to choose among individual references to recreate the claimed invention. *W. L. Gore Associates, Inc. v. Garlock, Inc*. 220 U.S.P.Q. 303, 312 (1983). Moreover, the mere fact that a prior art structure could be modified to produce the claimed invention would not have made the modification obvious unless the prior art suggested the desirability of the modification. *In re Fritch*, 23 U.S.P.Q. 2d 1780, 1783, Fed. Cir. (1992); *In re Gordon* 221 U.S.P.Q. 1125, 1127, Fed. Cir. (1984). This is a classical case where "obviousness is deceptive in hindsight." The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the

desirability of the combination. *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990).

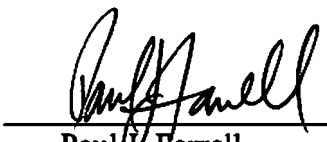
Based on at least the foregoing, withdrawal of the rejections of Claim 1 is respectfully requested.

Regarding Claim 11, it is respectfully submitted that the Examiner did not provide any citation or any indication as to why the recitations of the claim are obvious over *Costello* in view of *Christopherson*; rather the Examiner appends the citations at the end of the text. We are again left wondering which cited passage discloses which limitation. This is no recipe for a clear and unambiguous rejection. This constitutes an improperly addressed rejection. In rejecting claims for want of novelty or for obviousness, the Examiner must cite the best references at his or her command. See CFR 1.104(c)(2) and MPEP §707.07. In this case, the applicant cannot properly respond to the Action because the rejection of the claim does not afford the Applicant the opportunity to ascertain the veracity of the Examiner's interpretation of a specific element of the claim. Additionally, independent Claim 11 recites a mobile communication device incorporating a memory device similar to that recited in independent Claim 1. Accordingly, withdrawal of the rejection is respectfully requested requested.

Independent Claims 1 and 11 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2, 3, 4-10, 12, 13, and 15-20, these are likewise believed to be allowable by virtue of their dependence on their respective independent claims. Accordingly, reconsideration and withdrawal of the rejections and objections of dependent Claims 2, 3, 4-10, 12, 13, and 15-20 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1, 2, 4-13 and 15-20, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



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